IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2801 OF 2007

Seetaram Brachi Sav. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

P.R.Arjunwadkar for the applicant.

Ms.M.H.Mhatre, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 3rd October 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with CR.No.I-139/2007 registered with Mumbra Police Station, district- Thane for the offences punishable under sections 364, 302, 120-B, 109, 201, 404 of Indian Penal Code.

3. The factual matrix narrated in the order of the learned Sessions Judge dated 26th July, 2007 is not in dispute. However, in order to avoid prolixity, the same are not reproduced again. The same can very

well be treated as factual basis for this order.

4. Having heard both parties, it is clear that the applicant is implicated only on the basis of statement of co-accused. As on date, there is no other material available on record to connect the present applicant with the offence alleged. The alleged recovery giving rise to the application of section 47 is a debatable question. In these circumstances, in my view, the applicant is entitled to bail. The applicant is in custody since 16th March, 2007. Investigation is complete,. Chargesheet has already been filed. In this view of the matter, I am inclined to grant bail to the applicant, subject to the following conditions:

(a) The applicant, arrested in connection with CR.No.I-139/2007 registered with Mumbra Police Station, district- Thane shall be enlarged on bail in the sum of Rs.1,00,000/- (one lakh only) with one or two sureties to make up the said amount.

(b) The applicant shall report to the concerned Police Station once in a week, i.e. on every Monday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

5. Application stands disposed of accordingly.

JUDGE